

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Alyssa Rogowski	Team: Squad #14	CCRB Case #: 201906938	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 04/04/2019 3:30 PM	Location of Incident: North Pacific Playground	Precinct: 84	18 Mo. SOL 10/4/2020	EO SOL 5/21/2021	
Date/Time CV Reported Tue, 08/06/2019 3:00 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 08/06/2019 3:00 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Maxim Maloshag	3036	956058	084 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Craig Schoelermann	19383	962787	084 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Maxim Maloshag	Abuse: Police Officer Maxim Maloshag threatened to issue summons to § 87(2)(b)	

Case Summary

On August 6th, 2019, § 87(2)(b) filed this complaint via call to the CCRB's intake unit.

On April 4th, 2019 at around 3:30pm, § 87(2)(b) observed a group of teenagers in the North Pacific Playground, located at 473 Pacific Street in Brooklyn. Because the playground is designated for use by children, § 87(2)(b) called 911 to report the teenagers. Police Officer Maxin Maloshag and Police Officer Craig Schoelermann, both of the 84th Precinct, responded to the park. § 87(2)(b) and PO Maloshag argued about whether the teenagers could be in the park, then PO Maloshag told § 87(2)(b) that if he saw her in the park, he would issue her a summons (**Allegation A: Abuse of Authority, § 87(2)(g)**).

No arrests or summonses resulted from this incident.

The investigation obtained BWC footage capturing this incident from PO Maloshag and PO Schoelermann (Board Review 01, 02, 03). The relevant aspects of this footage are discussed below.

Findings and Recommendations

Allegation A—Abuse of Authority: Police Officer Maxim Maloshag threatened to issue summons to § 87(2)(b)

The investigation received BWC from both PO Maloshag and PO Schoelermann that captures PO Maloshag's interaction with § 87(2)(b). At 0:58 minute mark in PO Maloshag's BWC, § 87(2)(b) is seen reading from a park sign and stating, "Adults except those accompanying children." She then states, "They're not children," referring to the teenagers and adds, "It is under 12." PO Maloshag replies, "These are not adults." Between 4:00 - 4:38 minute mark, § 87(2)(b) states that she has it in writing from the Parks Department that the age limit for children is 12. Between 4:39 – 4:43 minute mark, PO Maloshag states, "If we are going to follow these rules, you're not allowed in there. I am going to write you a summons if you go in there without a child" (Board Review 01).

Because the allegation and its context was clearly captured on BWC, the investigation did not interview PO Maloshag or PO Schoelermann about this incident.

§ 87(2)(b) stated that PO Maloshag asked her to point on the sign where it explicitly stated that the teens could not be in the park (Board Review 04, 05). § 87(2)(b) stated in sum and substance that it is not explicit on the sign but that she had the Parks Department on the phone and they could tell the officers the rules of the park, that no one over 12, unless accompanied by a child, is permitted in the park. PO Maloshag refused to talk to the Parks Department staff on the phone and told § 87(2)(b) that if he saw her in the park, he would issue her a summons. The officers then left without removing the teenagers.

The official website of the NYC Department of Parks and Recreation Section 1-05 outlines regulated use of parks property. Subsection S, which outlines exclusive areas in parks, defines the rules of exclusive children's playgrounds, stating, "Adults allowed in playground areas only when accompanied by a child under the age of twelve (12). Violation of this paragraph constitutes a misdemeanor." (Board Review 06).

§ 87(2)(g)

§ 87(2)(g)

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§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to one prior CCRB complaint and has been named a victim in one allegation (Board Review 07).
 - § 87(2)(b)
- PO Maxim Maloshag has been a member-of-service for five years and has been a subject in seven CCRB complaints and 11 allegations, none of which have been substantiated.
§ 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- As of October 30th, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (Board Review 09).

Squad No.: _____

Investigator: _____

Signature	Print Title & Name	Date
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Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature	Print Title & Name	Date
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